

Reply to Office Action
Serial Number 10/692,967
Customer No.: 33354

REMARKS

A. Status of Claims

Claims 1-20 are pending. Claims 1, 5, 10, and 20 have been amended.

B. § 102 Rejections

1. Romberg

The Examiner has rejected Claims 1-20 as being anticipated by Romberg. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers, Inc. v. Union Oil Co. of California*, 2 USPQ2d 1051 at 1053 (Fed. Cir. 1987).

Romberg appears to disclose a gate apparatus with strands of barbed wires connected to posts and a camming bar that applies tension to the wires (see Romberg Fig. 1 and column 1, lines 45-55). Romberg goes on to disclose that the gate can either be a lateral swinging gate or a wire barrier gate. (*Id.* at column 1, lines 31-31). Romberg fails to disclose any type of planar barrier that operates between an extended and retracted condition within the plane to either cover or uncover an opening.

In total contrast, the barrier of the present invention is a planar barrier that operates within a plane between an extended condition whereby the barrier covers an opening and a retracted condition whereby the opening is not covered. See paragraph [0015] and Figs. 3 and 7. Claims 1, 10, and 20 have been amended to clarify this feature.

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Consequently, Romberg does not anticipate independent claims 1, 10, and 20 as it fails to disclose a retractable barrier system that collapses within a plane. Claims 2-9, and 11-19 are also not anticipated by Romberg as they depend from non-anticipated base claims. Applicants respectfully request that this rejection be withdrawn.

2. Dobson

The Examiner has rejected claims 1, 4, 7-10, 13, and 16-20 as being anticipated by Dobson. Again, a claim is only anticipated if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Brothers*.

Dobson appears to disclose a collapsible barrier system comprising a plurality of triangular barbed elements attached to one another. See Dobson Figs. 5 and 7. But, it is important to note that Dobson's device is only collapsible when two or more triangular barbed sections are attached to one another as described above. As shown in Figs. 5 and 7, once the triangular sections are attached together enabling the device to be collapsible, the barrier disclosed by Dobson is not planar as is the present invention. Therefore, it is physically impossible for Dobson's device to operate within a plane between extended and retracted condition as does Applicants' invention.

As noted above, Applicants have amended claims 1, 10, and 20 to recite a barrier system that includes a substantially planar barrier that is operable

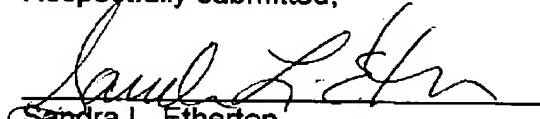
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within a plane between an extended and retracted condition. Therefore, independent claims 1, 10, and 20 are not anticipated by Dobson. Further, dependent claims 4, 7-8, 13, and 16-19 are also not anticipated by Dobson due to their dependency upon allowable base claims and the Examiner is respectfully requested to withdraw this rejection as well.

C. Conclusion

Applicants respectfully submit that all rejections have been traversed, and that the application is in form for allowance. Applicants respectfully request that the Examiner allow the application to proceed to allowance.

Respectfully submitted,


Sandra L. Etherton
Registration No. 36,982
Attorney for Applicants

Etherton Law Group, LLC
5555 E. Van Buren Street
Suite 100
Phoenix, AZ 85008
Customer No.: 33354